

HONORABLE ROBERT J. BRYAN

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

KING COUNTY, WASHINGTON; DOW
CONSTANTINE, in his official capacity as
King County Executive,

Defendants.

Case No. 2:20-cv-203 RJB

STIPULATION FOR MODIFICATION OF
MINUTE ORDER SETTING TRIAL AND
PRETRIAL DATES AND [PROPOSED]
ORDER

**NOTE ON MOTION CALENDAR:
MAY 20, 2022**

Plaintiff United States of America and Defendants King County and Dow Constantine
hereby stipulate, pursuant to Local Civil Rules 7(j) and 16(b)(6), as follows:

WHEREAS, Plaintiff filed this action on February 10, 2020;

WHEREAS, the primary expert witness deadline in the case currently is May 20, 2022, and
the deadline for the completion of discovery is August 8, 2022;

WHEREAS, trial is currently set for November 14, 2022;

WHEREAS, the Court entered the parties' agreed-upon protective order on March 8, 2021;

WHEREAS, after entry of the protective order, the parties engaged in significant
negotiations to resolve outstanding concerns on the part of Plaintiff about producing the personally

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(Case No. 2:20-cv-203 RJB)

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1 identifiable information (PII) of lower-level employees of Immigration and Customs Enforcement
2 in light of Defendants' obligations under the Washington Public Records Act, without redactions,

3 WHEREAS, the parties ultimately reached a mutually agreeable resolution of these issues
4 that allowed production to proceed;

5 WHEREAS, Plaintiff and Defendants have produced a significant number of documents in
6 discovery, including large productions in February and May 2022, and the Parties also recently
7 exchanged privilege logs;

8 WHEREAS, Defendants are now preparing a *Touhy* request to third-party Department of
9 Defense based on Plaintiff's recent productions seeking additional information relevant to the
10 claims and defenses in this litigation, and believes that receiving the Department of Defense's
11 anticipated productions will require additional time in discovery;

12 WHEREAS, Defendants have served subpoenas on three of Plaintiff's immigration
13 transportation contractors, GEO Group, Classic Air Charter ("Classic"), and iAero Airways
14 ("iAero");

15 WHEREAS, GEO Group's counsel already has indicated that GEO Group has a substantial
16 number of responsive documents that will require ICE's review before they can be produced to
17 Defendants consistent with GEO Group's contractual and legal obligations, and that the Parties
18 understand that GEO Group is still in the process of collecting and producing documents in
19 compliance with the subpoena;

20 WHEREAS, Defendants have negotiated with Classic, a non-Washington entity, over the
21 collection and production of responsive documents, but Classic has refused to provide these
22 documents, necessitating Defendants' recent filing of a motion to enforce compliance with the
23 subpoena in the Middle District of Florida;

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WHEREAS, Defendants have received no response from iAero, and given that iAero is located outside of Washington, Defendants may need to compel production of the requested documents in the Southern District of Florida;

WHEREAS, in light of these ongoing issues, the Parties believe that good cause exists to modify the current case schedule, because it is not sufficient for the Parties to complete fact and expert discovery on the current schedule;

WHEREAS, counsel for Defendants currently has multi-week trials set in October and November 2022 that would interfere with trying the case on the current trial schedule, as well as a trial scheduled in February 2023 that would conflict with trial earlier than the proposed date;

WHEREAS, the Parties acknowledge that new developments in this case or in the current public health situation may necessitate future reconsideration of the case schedule, but agree that their present proposal to extend the trial and pre-trial dates is appropriate;

WHEREAS, under the Parties' stipulated proposal, each date in the current case schedule will be extended by approximately four months, with the trial occurring in March 2023. This is the Parties' fifth request to modify the case schedule in this matter and will result in trial occurring thirty-seven months from the date the case was filed, recognizing that the Parties' earlier requests were necessitated in large part due to unique confidentiality concerns of Plaintiff as well as issues caused by the Covid-19 pandemic and its effect on the Parties' ability to collect, review, and produce documents and otherwise engage in discovery.

NOW THEREFORE, the Parties, through their respective counsel of record, do hereby stipulate and agree on the following revised schedule of trial and pre-trial dates:

EIGHT DAYS JURY TRIAL set for	March 20, 2023 at 9:30 AM
Disclosure of expert testimony under FRCP 26(a)(2)	October 14, 2022

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All motions related to discovery must be FILED by	November 3, 2022
Discovery COMPLETED by	December 19, 2022
All dispositive motions must be FILED by	January 5, 2022
Motions in limine should be FILED by and NOTED on the motion calendar no later than the third Friday thereafter, but no later than the Friday before any scheduled pretrial conference.	February 23, 2023
Agreed pretrial order LODGED with the court by	March 3, 2023
Pretrial conference will be HELD on (COUNSEL SHALL REPORT TO COURTROOM A)	March 10, 2023 at 8:30 AM
Trial briefs, proposed voir dire & jury instructions due*	March 10, 2023

SO STIPULATED.

Respectfully submitted this 20th day of May, 2022.

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United States Attorney

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[PROPOSED] ORDER

This matter comes before the Court on the Parties' Stipulation for Modification of Minute Order Setting Trial and Pre-Trial Dates. Having considered the Parties' Stipulation, and good cause having been demonstrated, the Court hereby ORDERS the following revised schedule of trial and pre-trial dates:

EIGHT DAYS JURY TRIAL set for	March 20, 2023 at 9:30 AM
Disclosure of expert testimony under FRCP 26(a)(2)	October 14, 2022
All motions related to discovery must be FILED by	November 3, 2022
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IT IS SO ORDERED.

DATED this _____ day of _____, 2022.

Robert J. Bryan
United States District Judge

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